UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ELIZABETH BOEY CHAU, M.D.	
Plaintiff,	:
-against- HARTFORD LIFE INSURANCE COMPANY, HOWARD FUTERMAN, M.D., EVELYN K. BALOGUN, M.D., DAVID HOENIG, M.D., DAYTON DENNIS PAYNE, M.D., RELIABLE REVIEW SERVICES, INC., EXAMWORKS GROUP, INC., JANE DOE	Civil Action No.: 14-CV-8484(GHW) AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS
Defendants.	; —
STATE OF FLORIDA)) ss. COUNTY OF SARSOTA)	

AFFIDAVIT OF CLARE ARGUEDAS

- I, Clare Arguedas, of full age, being duly sworn according to law and upon my oath, hereby depose and say:
- 1. I am employed as General Counsel and corporate Secretary of ExamWorks
 Group, Inc. In that capacity, I have knowledge of the corporate structure and governance of
 ExamWorks Group, Inc. I have personal knowledge of the facts and circumstances set forth in
 this affidavit.
- 2. I submit this affidavit in support of the Motion to Dismiss made on behalf of Defendants Evelyn K. Balogun, M.D., David Hoenig, M.D., Dayton Dennis Payne, M.D., Reliable Review Services, Inc. and ExamWorks Group, Inc. Specifically, this affidavit is being submitted in support of Count VI of defendants' motion, which seeks to dismiss all claims asserted against ExamWorks Group, Inc., as it is not a proper party to this action.

- 3. The complaint names ExamWorks Group, Inc. as a defendant to this action. It is alleged in the Complaint, among other things, that ExamWorks Group, Inc. intentionally interfered with Plaintiff's contract with The Hartford, and further that ExamWorks Group, Inc. owed a duty of care to Plaintiff in relation to certain independent medical examinations and/or independent medical reviews that were performed in connection with her claim for disability benefits. However, ExamWorks Group, Inc. and its subsidiary Reliable RS, LLC had no relation to Plaintiff's claim for disability benefits or the independent peer review and medical exams that were conducted. As such, ExamWorks Group, Inc. is an improper party to this lawsuit.
- 4. ExamWorks Group, Inc. is a Delaware corporation under file number 4839695. It is a public holding parent company and does not engage in any operations.
- 5. On December 5, 2014, Orange11, LLC, a Delaware limited liability company under file number 5651871, was newly formed. ExamWorks Group, Inc. is the ultimate parent company of Orange11, LLC.
- 6. On January 2, 2015, Orange11, LLC changed its name to Reliable RS, LLC ("Reliable DE").
- 7. According to the Colorado Secretary of State public records, there is another, different company and legal entity with a similar name to Reliable DE called ReliableRS, LLC. ReliableRS, LLC is a Colorado limited liability company with ID number 20031223888 ("Reliable CO").
- 8. On January 2, 2015, Reliable DE purchased certain assets of Reliable CO but did not assume its liabilities.
- 9. Neither ExamWorks Group, Inc. nor Reliable DE is related to, has any direct or indirect ownership interest in, or is otherwise affiliated with Reliable CO.

- 10. ExamWorks Group, Inc. and Reliable DE were not retained by The Hartford to schedule the independent medical examination or peer reviews set forth in the Complaint.
- It is clear that counsel for Plaintiff has sued the wrong entities that were tasked 11. with effectuating the peer reviews and medical examination of Dr. Chau.
- Accordingly, I respectfully request that the Court grant defendants' motion to 12. dismiss as ExamWorks Group, Inc. is an improper party to this action.

Clare Arguedas

STATE OF FLORIDA COUNTY OF SARASOTA

Sworn to and subscribed before me this 17th day of August, 2015 by Clare Arguedas, who is personally known to me.

ANTHONY JOHN HARTMAN MY COMMISSION # FF 155697 EXPIRES: August 28, 2018 Inded Thru Notary Public Underwriters

Anthony John Hartman
Notary Published